

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

In re: PHARMACEUTICAL INDUSTRY	)	MDL No. 1456
AVERAGE WHOLESALE PRICE LITIGATION	)	Master File No. 01- 12257-PBS
	)	Subcategory Case. No. 06-11337
	)	
THIS DOCUMENT RELATES TO:	)	Hon. Patti B. Saris
	)	
<i>United States of America ex rel. Ven-A-Care of the</i>	)	Magistrate Judge
<i>Florida Keys, Inc., et al. v. Dey, Inc., et al.,</i>	)	Marianne B. Bowler
Civil Action No. 05-11084-PBS	)	
	)	

**JOINT MOTION TO CONTINUE JULY 7, 2010 DAUBERT HEARING**

Defendants Dey Pharma, L.P. (formerly known as Dey, L.P.), Dey, Inc., and Dey L.P., Inc., together with Plaintiff the United States of America and Relator, Ven-A-Care of the Florida Keys, Inc., (collectively “the Parties”) hereby respectfully request that the Court continue the Daubert hearing currently scheduled in the above-captioned case for July 7, 2010 at 2:30. On June 30, 2010, the Parties held a mediation in accordance with the Court’s May 3, 2010 directive. Progress was made at that time, and the Parties request a continuance so that they may continue their discussions. The Parties request that the Court continue the hearing to the week of July 26, 2010 or later, as convenient for the Court.

WHEREFORE, the Parties request that the Court grant this motion, and continue the July 7, 2010 Daubert hearing until the week of July 26, 2010 or later.

Dated: July 1, 2010

Respectfully Submitted,

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*For Relator Ven-A-Care of the Florida  
Keys, Inc.*

**LOCAL RULE 7.1 CERTIFICATION**

I certify that, on July 1, 2010, counsel for Dey consulted with counsel for the Government, who indicated that the Government consented to this motion.

/s Sarah L. Reid

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing was delivered to all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2, by sending on July 1, 2010, a copy to LexisNexis File & Serve for posting and notification to all parties.

/s Sarah L. Reid